

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, DECEMBER 16, 2009 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2009-May 2010	
		Present	Absent
Tom Welch, Chair	P	5	2
Patrick McTigue, Vice Chair	P	7	0
Catherine Maus	P	5	1
Rochelle Golub	P	6	1
Maria Freeman	P	5	2
Fred Stresau	P	7	0
Mike Moskowitz	P	6	1
Michelle Tuggle	P	7	0
Peter Witschen	P	6	1

Staff

Greg Brewton, Director of Planning and Zoning
Sharon Miller, Assistant City Attorney
Anthony Fajardo, Planner III
Thomas Lodge, Planner II
Yvonne Redding, Planner II
Michael Ciesielski, Planner II
Terry Burgess, Zoning Administrator
Vivian Law, Secretary III
Cheryl Felder, Service Clerk
Dennis Girisgen, Public Works Department
Frank Snedaker, Chief Architect
Carol Ingold, Parks and Recreation Department
Julius Delisio, Business Enterprises
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None at this time.

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	<u>Case Number</u>	<u>Applicant</u>
1.	6-P-09**	City of Fort Lauderdale / Evergreen Cemetery
2.	33-R-09** *	Shepherd of the Coast Lutheran Church, Inc. / City of

- | | | |
|----|---------------------------------------|--|
| 3. | 6-0R-09** * | Fort Lauderdale
21 st Century Holding Company / Child Day Care
Center |
| 4. | 74-R-09** | Pine Crest Preparatory School |
| 5. | 12-Z-09** * | City of Fort Lauderdale |
| 6. | 13-Z-09** * | City of Fort Lauderdale |
| 7. | 5-T-09 | City of Fort Lauderdale |
| 8. | Communications to the City Commission | |
| 9. | For the Good of the City | |
-

Special Notes:

Local Planning Agency (LPA) items (*) – In these cases, the Planning and Zoning Board will act as the Local Planning Agency (LPA). Recommendation of approval will include a finding of consistency with the City's Comprehensive Plan and the criteria for rezoning (in the case of rezoning requests).

Quasi-Judicial items ()** – Board members disclose any communication or site visit they have had pursuant to Section 47-1.13 of the ULDR. All persons speaking on quasi-judicial matters will be sworn in and will be subject to cross-examination.

Call to Order

Chair Welch called the meeting to order at 6:32 p.m. Roll was called and all stood for the Pledge of Allegiance.

Chair Welch introduced the Board members, and noted that the Applicant of Item 2 had requested to defer this Item until the January 19, 2010 meeting. **Motion** made by Ms. Golub, seconded by Mr. Witschen, to approve deferral of Item 2 as requested. In a voice vote, the **motion** carried unanimously.

Motion made by Ms. Golub, seconded by Vice Chair McTigue, to approve the minutes of the November 18, 2009 meeting. In a voice vote, the **motion** carried unanimously.

Planning and Zoning Director Greg Brewton introduced the City Staff members in attendance. Assistant City Attorney Sharon Miller explained the quasi-judicial process used by the Board.

Ms. Maus and Ms. Tuggle joined the meeting at this time (6:34 p.m.).

1. City of Fort Lauderdale / Evergreen Cemetery Yvonne Redding 6P09

Request: ** Right-of-Way Vacation / CF Zone
DEFERRED FROM THE OCTOBER 21, 2009 MEETING

Legal Description Evergreen Cemetery First Add, 19-7B, All Block 34 to 51

Address: 1300 SE 10 Avenue

General East of SE 10 Avenue and North of SE 14 Place
Location:

District: 4

Disclosures were made, and any members of the public wishing to speak on this item were sworn in.

Jane Storms, representing the Applicant, advised that the Application is for the vacation of a right-of-way. She recalled that the Application may have seemed "confusing" when previously presented.

The application has been amended from its earlier request to vacate 20 ft. of right-of-way; it now requests the vacation of 15 ft. of this unimproved right-of-way to allow for a 5 ft. green area, by which visitors can traverse the cemetery and reach grave sites.

Ms. Storms added that the State has designated Evergreen Cemetery as a historical area, and explained another reason for the vacation of right-of-way is to allow more families to be buried there as well. The criteria for vacating a right-of-way have been met by the Applicant.

Ms. Golub asked if the Applicant has submitted a drawing of the 5 ft. that will not be vacated and the 15 ft. vacation, noting which space will be reserved and which will be vacated. She noted that the drawing provided did not distinguish between these two areas. Ms. Storms explained that the green space is shown on the drawing as a gray area.

Yvonne Redding, Planner, stated the Application had first appeared before the Board on October 21, 2009. The Applicant has met with the Property and Right-of-Way Committee, who voted unanimously to approve the vacation, and have provided letters from utility companies, advising no utilities will be affected.

Ms. Golub stated the Board had not received the document showing the 15 ft. and 5 ft. delineation as part of their materials, and noted it should be marked as

part of the record. Director Brewton assured the Board that the appropriate document would be marked as reviewed by the Planning and Zoning Board.

As there were no further questions from the Board at this time, Chair Welch opened the public hearing.

There being no members of the public wishing to speak on this Item, Chair Welch closed the public hearing and brought the discussion back to the Board.

Motion made by Ms. Maus, seconded by Ms. Golub, to approve the Application as presented.

Mr. Stresau recalled that he had previously expressed concern that the 5 ft. rights-of-way would provide a sufficient path for individuals to visit grave sites. On a site visit, he had observed that a third of the existing strips of grass had trees planted on them, one of which occupied the entire strip. In addition, "a dozen new trees" had also been planted in these 5 ft. rights-of-way. He requested an explanation of why these areas, which are supposed to be clear paths, are not clear. He also asked if the Application had been reviewed by the Cemetery Review Board.

Julius Delisio, Liaison to the Cemetery Advisory Board, explained all trees in the cemetery are planted in easements or paths, aside from those planted upon individual graves by request. If the trees were not planted in easements or rights-of-way, he asserted, there would be no place to plant them.

He pointed out that the graves in this cemetery are 15 ft. in length, which leaves several feet of space on either side of the graves for walking. He did not feel it was logical to expect individuals to seek out paths or walkways, as they are more often walking directly up to the tombstones.

Mr. Delisio added that the Cemetery Advisory Board had approved the request, which is part of a City contract that was approved in 2008.

Ms. Golub stated she felt "misrepresented," and asked if the space actually needed for vacation might more accurately be 8 or 10 ft.

Mr. Delisio advised the standard size for every grave in the cemetery is platted at 15 ft., which is the size the cemetery wishes to maintain for its graves.

Ms. Golub asked if the plots shown on the visual are the same 15 ft. width as the vacation the Applicant is requesting. Mr. Stresau referred to the visual as well, commenting that the plots appeared longer in a north-south direction than in an east-west orientation. Mr. Delisio explained that each box on the visual is not a grave, but a lot, which consists of six graves.

Chair Welch asked what happens when a tree is so large that it encroaches upon a space – for example, are these spaces removed from available inventory. Mr. Delisio explained that the spaces are considered individually when this occurs: some may be used for cremation only, for example. He added that some areas are clear, and some are “very treed;” some areas are taken out of the cemetery’s inventory as well due to irrigation lines and other encroachments.

Mr. Stresau asked how a backhoe is driven from a paved street to a grave site. Mr. Delisio replied the backhoe has to drive over graves, as there is no other way to access some areas of the cemetery. He reiterated that individuals walk over graves for large services as well.

He added that 14 trees were recently planted in the cemetery, including the new trees Mr. Stresau had seen in the right-of-way; some 50-60 trees are planted annually, including memorial trees purchased by families of those interred. He clarified that memorial trees are more often located on gravesites.

Mr. Stresau stated that when vacating rights-of-way in a historic cemetery, he did not feel the opportunity remains to plant trees, particularly “trees of a stature... that exist today,” when graves may be dug close by.

In a roll call vote, the **motion** carried 7-2 (Mr. Stresau, Ms. Golub dissenting).

3. **21st Century Holding Company /** **Thomas Lodge** **60R09**
Child Day Care Center

Request: ** * **Conditional Use Approval / Change of Use from
Office to Child Day Care Facility / CB zoning district**

Legal Lot 7, less the North 10 feet thereof, in Block 7, in
Description: Section “A” Breezeway Manor, according to the Plat
thereof, recorded in P.B. 20, P. 33, of the Public Records
of Broward County, Florida

**DEFERRED FROM THE NOVEMBER 18, 2009
MEETING**

Address: 3690 Davie Boulevard

General Location South Side of Davie Boulevard between SW 36 Avenue
SW 37 Avenue

District: 3

Disclosures were made, and any members of the public wishing to speak on this Item were sworn in.

Michael Philpot, representing the Applicant, recalled that after the Application was presented at the November 18, 2009 Board meeting, the Applicant took the Board's recommendations into account regarding on-site turnaround and safety for students at this day-care center. The Applicant met with the Planning, Engineering, and Landscape Departments, and is providing a turnaround area in the parking lot on the west end of the property. They also plan to create a concrete sidewalk as a safety consideration.

At Ms. Golub's request, Mr. Philpot provided a visual exhibit for the Board.

Ms. Golub asked if the turnaround is intended to accommodate vehicles making a three-point turn. Mr. Philpot confirmed this.

Vice Chair McTigue asked where the facility's employees park. Mr. Philpot replied there are two staff members who park in the same area as shown. He added that the facility does not intend to increase its staff. Bridgette Seville, Applicant, noted there are three full-time employees at the facility, and clarified that only two of these employees drive to work.

Thomas Lodge, Planner, stated that the Applicant proposes moving a day-care facility to an existing one-building structure with 2400 sq. ft. of floor area. Staff has found the conditional change of use from office space to day-care center is permitted by Code and consistent with the existing Comprehensive Plan.

Ms. Tuggle pointed out that both the consultant and engineer for this Application submitted reports to Planning and Zoning, which were identical save the daily counts. Mr. Lodge explained one count is for the square footage, another "by the ITE Trip Generation Manual" based upon the number of students.

Dennis Girisgen, City Engineer, explained that the peak a.m. counts show 32 cars per hour entering the facility, and 33 cars per hour for the p.m. counts.

Ms. Tuggle stated she did not understand how the counts could not be considered a problem, as 32 cars per hour with one turnaround and no drop-off were involved. Mr. Girisgen stated he shared her concern and could not speak to the efficiency of the design; however, the plan has been reviewed by Engineering Staff as "adequate for the ULDR requirements."

Ms. Tuggle referred to a statement that the design "will not cause any unsafe scenario," and did not understand how "a poor design" could be considered safe. Mr. Girisgen reiterated that the design meets the requirements of the Code.

Ms. Golub referred to the letter dated December 7, 2009, which references the traffic counts at the proposed facility, and requested clarification for "179 cars did what when," such as entering or passing the facility.

Mr. Girisgen advised that this meant there were 179 trips in and out of the proposed facility's driveway in a 24-hour period, presumably on a weekday.

Ms. Golub requested clarification of the maximum number of cars, which were listed as 32 in the a.m. hours and 33 in p.m. hours. Mr. Girisgen stated this meant "total entering and exiting." This left 114 as the balance of trips "throughout the rest of the day."

Ms. Golub recalled that the testimony given to the Board at the November 18 meeting had stated most of the students at the facility were not driven there. She observed that the traffic study's statistics "contradict the testimony."

Mr. Girisgen explained that the first sheet of the report was based upon "projected values in the ITE Trip Generation Manual" rather than on counts; there are additional ways to calculate these statistics, including multiplying the number of students by the trip generation rate, or by square footage of buildings. He clarified that the report is based on book values rather than on counts of the students at the facility.

Mr. Witschen observed if the two employees park at the facility, four spaces remain available. He expressed concern that the nature of a day-care facility has heavier traffic at peak hours, rather than steady traffic throughout the day. He concluded that he hoped the Board would consider a motion to defer the Application or a motion to deny.

Mr. Stresau pointed out that the Applicant has added a 4 ft. concrete sidewalk to the west side of the project. He advised that one corner of the site includes a hydrant, traffic signal, and light pole, which would make the addition of a sidewalk questionable. He concluded that he did not feel his questions regarding this site plan had been addressed, and felt when a plan comes before the Board, it should have been reviewed by Staff and meet "the minimum requirements" of the City's Code.

Ms. Maus asked if the Application would go before the City Commission, should the Board choose to approve it. Director Brewton replied as this is a conditional use approval for Site Plan Level III, it "could be called up."

Ms. Maus continued she was not in favor of deferring the Application, as this would mean "a third meeting just like this one."

As there were no further questions from the Board at this time, Chair Welch opened the public hearing.

There being no members of the public wishing to speak on this Item, Chair Welch closed the public hearing and brought the discussion back to the Board.

Ms. Golub addressed Mr. Lodge, recalling that the Board had asked Staff to "take a hard look at the site" with regard to safety and traffic flow. She asked if Staff could "honestly state" their work is adequate in this case.

Mr. Lodge replied the turnaround space was added to aid circulation, and the site was "adequate for Code." He noted the Board could place conditions on the site if they chose.

Director Brewton advised that if there are elements of the site plan with which the Board is uncomfortable, it may be adjusted at this level.

Ms. Golub recalled the two parking spaces to be used by full-time staff members at the facility, and asked if a discussion of parking adequacy takes both employees and parents into account. She noted that these parking standards are not specific to a day-care facility, but refer to "this class of business." Mr. Lodge agreed, noting there are no parking specifications in the day-care section of Code.

Ms. Tuggle recalled being advised that "Staff doesn't engineer for the Applicant," which would mean the information is submitted by the Applicant's engineer. Mr. Lodge confirmed this, and noted that a City engineer also signed off on the report.

Mr. Witschen stated he was "frustrated" with the Application as presented, and did not feel it was "necessarily fair" to the Applicant, as there are many unanswered questions on which he had hoped Staff would offer more input. He characterized the site plan as "just plain dangerous" and felt his recommendation could go "either way" for deferral or denial.

Director Brewton observed there seems to be a desire for the site plan to "have more thought put into it" by the Applicant, with regard to engineering. He pointed out that Applicants come to Staff with their own plan, and Staff may make recommendations to them, but may not deny them the authority to come before the Board.

Ms. Golub stated that the Applicant has "hired certified professionals" to assist in their Application, and it is not Staff's obligation to draw plans to be submitted for them. Director Brewton recalled that at one time, the Board had been "very active in making requirements" that Applicants must bring certain items before them;

when the Application was denied, the Applicants then often responded that they had done "what Staff told me to do." He emphasized that Staff walks a thin line in this area.

Ms. Golub agreed that the Application should not be deferred so the existing plan can be "tweaked" further.

Director Brewton clarified that should the Application be denied, the Applicant could re-apply, although they would need to pay a second application fee. Mr. Stresau added there is no time limit in which the Applicant is required to make another application.

Mr. Girisgen also noted that while the Application meets the minimum Code, the Engineering Department does not necessarily agree with the design.

Ms. Maus agreed that the Board should not cost the Applicant additional fees to re-apply, but pointed out that they have "no assurances" that the Board's concerns have been understood by the Applicant's team. She asked the Applicant for her response to the concerns raised by the Board, and asked what his response would be if they elected to defer.

Ms. Seville replied if the turnaround remained an issue, the facility could reduce the number of students in order to require less parking. This would also mean a smaller play area for the children. She added that the site would offer more security for the children, including cameras, which was the reason they are seeking to move.

Ms. Tuggle asked Staff if they agreed with the segment of the engineering report, which states the car count on Davie Boulevard would not create "an unsafe scenario." Mr. Girisgen responded that if the plan, and the turnaround, is used as designed, it could "minimize the impact." However, he stated he could not conclusively say the design will have no impact on safety, and he had only recently seen the design for the first time.

Ms. Tuggle noted that she lives in the facility's neighborhood, where she sees "a daily accident." She noted while there is a need for the facility, the Board is seeking resolution out of concern for the children who would be affected.

Mr. Stresau did not feel deferring the Application "does anybody any favors." He asked if the site plan must be resubmitted if it is changed. Mr. Lodge agreed that "significant changes" to the plan, such as new ingress/egress, would require re-application.

Mr. Stresau continued that he might consider a parking reduction if a new site plan was submitted, although he noted the Application might still be

unsuccessful. In addition, another owner might then be unable to use the site due to the parking reduction.

He concluded that "25 cars" cannot adequately move from Davie Boulevard into such a small parking area in a limited amount of time.

Ms. Golub recalled that the issue discussed at the November meeting was the problem of cars entering and exiting from Davie Boulevard. She noted there had been the suggestion that the Applicant use some of the play area to create a one-way traffic flow, but the Applicant had stated this could not be done due to existing parking spaces. She felt this was indicative that "deferral might not have made a difference," and urged the Applicant and their engineer to reconsider this proposal.

Motion made by Ms. Maus to defer the Application. The **motion** died for lack of second.

Motion made by Mr. Stresau, seconded by Mr. Witschen, to approve the Application. In a roll call vote, the **motion** failed 0-9 (unanimous dissent).

4. Pine Crest Preparatory School Yvonne Redding 74R09

Request: **	Site Plan Level III/Classroom Building exceeds 10,000 SF allowed in CF-S/Classroom Building exceeds 35' Building Maximum Height in CF-S
Legal Description	Coral Ridge Isles – 45-47 and 11-49-42 THAT PT OF NW1/4 OF SW1/4 OF NE1/4 S OF CYPRESS CREEK & SW1/4 OF SW1/4 OF NE1/4 LESS S 40 FOR RD & E1/2 OF SE1/4 OF SW1/4 OF NE1/4 LESS S 40 & N 10 FOR RD & W1/2 OF SE1/4 OF SW1/4 OF NE1/4 LESS S 40 FOR RD & LESS P/P/A "PCS PLAT"
Address:	1501 NE 62 Street
General Location:	North of NE 62 Street and West of NE 18 Avenue
District:	1

Disclosures were made, and any members of the public wishing to speak on this item were sworn in.

Robert Lochrie, representing the Applicant, stated they are before the Board for review and approval of a site plan for a replacement building. The school is over 10,000 sq. ft. in size, and buildings on the structure are over 35 ft. in height, both of which are also true of the project before the Board.

Pine Crest is located on 44.5 acres and contains athletic fields and a parking garage in addition to the lower, middle, and upper schools and administrative offices, and an auditorium. The area that is part of this Application is located between the bell tower, the existing upper school site, and the Huizenga Arts & Science Center. Mr. Lochrie provided a close-up view of the area.

He explained that the proposal would replace the existing upper school, and showed a visual of the new building, as well as a new drop-off area, parking area, and new central driveway adjacent to the existing chapel. The expansion is necessary for several reasons: the design allows for the enhancement of the existing facilities, including the network of driveways; new larger classrooms and state-of-the-art facilities; and new administration rooms, lecture hall, and student union facility.

Mr. Lochrie advised the project would also provide additional security to the campus by eliminating many of the access points in and out of the school, instead offering "central points of location" instead of driveways throughout. The buildings are connected and "operate together," although they contain space between them. He provided views around the buildings themselves.

He showed a cross-section of 62nd Street to give the Board an idea of the heights, pointing out that the maximum height of the parking garage is 48 ft., the parapet is 37 ft., the bell tower is 60 ft., and the top of the spire is 71 ft. The planned building would have a cornice at 39 ft. and a "ridge back" to 48 ft.

The parking garage, Mr. Lochrie noted, is within a 25 ft. setback, which is "very well landscaped," with layers of trees masking the parking garage. The new building would have a 39 ft. 9 in. setback, which is 60% greater than what is required by Code. This would allow for even more landscaping.

Mr. Lochrie returned to the access points, noting that there are various ways to enter and exit the campus, as well as various parking areas. This creates "multiple conflicts" for cars coming in and out of the site on a daily basis, resulting in traffic issues both on-site and on 62nd Street. The proposal would attempt to alleviate these conflicts through two approaches: creating a new drop-off area and dedicated teacher parking on the east side of the new buildings, and a dedicated visitor drop-off and parking at a central entrance. He advised that a new turn lane would be installed on 62nd Street to allow traffic into the drop-off area; the left turn lane on 62nd would also be lengthened. As it exists, 24 possible vehicles can queue up for drop-off, nine of which are possible along 62nd Street. The proposal would increase the queue to 36 vehicles in addition to the new turn lane.

Mr. Moskowitz asked whether the changes will be sure to keep the bell tower and quadrangle in place. Mr. Lochrie confirmed this, noting that they are important

elements of the school. He added that the new building would be LEED-certified, or "green," and would be the second such building on campus.

Ms. Golub asked if the school envisions a "four-story-plus" campus at this location when the lower and middle schools are replaced. Mr. Lochrie advised there are no such proposals at this time.

Ms. Golub asked if the size of the upper school is being "doubled" with the intent of increasing its 840 students, noting that she found other reasons for the increase in size to be "disingenuous." She added she did not see a reason to grant size variances of this nature near the one-story residential neighborhood near the campus, as it would "clearly start establishing a pattern" for future development.

Mr. Lochrie stated as time passes, there will be additional improvements, as any school would have, and felt this is particularly important when keeping the facilities state-of-the-art.

Ms. Golub asked if the plan has been presented to the surrounding community. Mr. Lochrie replied he had letters of support from the three local neighborhood associations, the Coral Ridge Isles, Imperial Point, and Boulevard Park Homeowners' Associations. He read the letter from the Imperial Point Homeowners' Association, and noted that all letters are dated within the past few days. The Applicant had begun presenting plans to the Associations in October 2009.

He added there are additional letters of support from Georgian Courts North and South, which are single- and multi-family developments in the neighborhood.

Ms. Golub noted that a wall or fence was not shown on the renderings. Mr. Lochrie explained that the structure will be constructed of brick columns joined by fencing. The fencing will be set back approximately 10 ft. from the curb.

Mr. Witschen noted the neighborhood compatibility document states the project would be compatible with the nearby multi-family residences, and asked that this be explained to him in greater detail. Michael McGuinn, representing Wyscovich, Inc., replied that an "extended setback area" of 40 ft. instead of the required 25 ft. had been provided. In addition, they had reduced the height of the roof structures and "sloped" them to bring them to a "more pedestrian and residential scale." Brick bases were added to the buildings and "more residential-scale windows" were created to give the structure a more residential character.

Mr. Witschen asked if the three-dimensional models provided "a view from the third floor window, looking south." Mr. McGuinn stated this was not modeled, although a view from the residential area looking north to the new building was

available. It was noted this did not include the trees, but only the building itself. Mr. McGuinn asserted it would be important to consider the buffer that trees and landscaping would provide.

Mr. Witschen pointed out that there remains a "fundamental issue of incompatibility" with the structures located to the south. He asked if the school owns any of these buildings. Mr. Lochrie stated he did not believe this was the case, but added that with nearly 40 ft. of setback in which to include trees and other landscaping, this would be mitigated.

Ms. Tuggle asked to know the timeline of the construction schedule. Mr. Lochrie advised it is hoped to begin in the summer of 2010 and complete construction in time for the beginning of the 2011-12 school year.

Ms. Tuggle asked how construction vehicles will have access to the center of the campus "and the middle of the street." Mr. Lochrie explained that construction traffic and activity will be on the west side of the campus, and equipment will enter from 62nd Street. This area of the campus will be closed off from the rest of the school, as construction will occur during the school year.

With regard to a temporary entrance for students, Mr. McGuinn advised the first phase of construction will be on "the portion to the east side;" the drop-off will be constructed so campus operations can continue. Students from the lower or middle schools are dropped off at different locations on campus, and barriers will be maintained to separate them from the construction area. Trucks will come in through the existing entrance at the western boundary, and construction personnel will park "at the end of the site in a remote lot."

Mr. Witschen agreed that there is a need for increased campus security, but asked if it has been considered that "landscaping may be on the wrong side" and asked if the south side will be buffered as well, as there is greater impact to this side.

Mr. Lochrie replied that when the road was widened on this side, several driveways were "cut off" and duplexes were located "right up against the streets," where there was also a sidewalk. He was not aware of how much room was available for landscaping or another buffer, and did not see room to include "big trees."

Ms. Redding stated the Applicant has worked with Staff on the streetscape along 62nd Street and with the County on widening the turn lane. She added they have "recirculated" the existing problems on-site and are not planning to increase enrollment, which would cause no increase in traffic.

Ms. Golub asked if there is anything to prevent the school, should the project be approved, from increasing its enrollment. Ms. Redding explained a State regulation restricts enrollment at the school, as a capacity note was placed on the site plan at the request of the Engineering Staff. This note was read into the record by Ms. Redding, and Attorney Miller added that "a certain enrollment" could be added as a condition of the Board's approval, if desired.

Ms. Golub asked if there was "any concern" with placing a 50 ft. building on 62nd Street. Ms. Redding replied that this concern was eased by the setback and landscaping.

As there were no further questions from the Board at this time, Chair Welch opened the public hearing.

Charles Murdock, private citizen, stated he resides to the north of the campus, and asserted that he approved of the project, calling it a "very responsible expansion."

There being no other members of the public wishing to speak on this Item, Chair Welch closed the public hearing and brought the discussion back to the Board.

Mr. Moskowitz advised he felt this is "a marvelous project" and a "great use of... land." He noted he is a graduate of Pine Crest and was pleased to see the bell tower and quadrangle retained in the plans, and added that he is also aware of a State statute limiting the number of students who may attend Pine Crest School.

Ms. Golub asked how the City is bonding the cost of a private school. Mr. Lochrie explained the City government is acting as the non-recourse issuing agency for the bonds.

Mr. Witschen stated his difficulty is with "hiding" the building, as he does not see the changes as compatible with the residential area to the south of the campus. He requested clarification from Director Brewton on how the new building is compatible with this area, as well as "the abutting duplexes on 62nd Street," which are even closer to the school.

Director Brewton pointed out that the proposed height is 48 ft., while the maximum height permitted in the adjoining district is 35 ft. It remains the Board's decision as to whether this height is compatible, although he observed the surrounding zoning allows height that is not significantly less than the proposed 48 ft.

Mr. Witschen referred to the "new proposed massing for residential areas," asking if this would affect the height of structures to the south of the campus. Director Brewton replied this proposition is still under consideration.

Mr. Moskowitz noted that "neighborhood compatibility" is a subjective term, and that the neighbors residing close to the campus "seem to be in favor of" the proposed changes.

Motion made by Ms. Maus, seconded by Mr. Witschen, to approve the Application with the special condition that enrollment be capped at 840 students for the upper school, until and unless adequacy findings are presented to and approved by the Planning and Zoning Board.

Ms. Redding advised that the Application is for Site Plan Level III rather than for conditional use. Attorney Miller confirmed that adequacy findings would include traffic. Ms. Maus explained the condition is intended to assure any future increase in enrollment would not result in unforeseen traffic problems, and the neighborhood would have an opportunity to be heard on this issue.

In a roll call vote, the **motion** carried 8-1 (Ms. Golub dissenting).

5. City of Fort Lauderdale

Michael Ciesielski

12Z09

Request: * * *

Rezone from Industrial (I) to Parks, Recreation, and Open Space (P)

Legal Description

Lot 17, Mrs. E.F. Marshall's Subdivision of Government Lots 1-4 and the W ½ of the NE ¼ and the NW ¼ of the NW ¼ of Sec. 16, Township. 50 South, Range 42 East, P.B.1, P. 2, Broward County, except that portion included in the NE ¼ of the SW ¼ of said Sec. 16, together with all submerged lands and riparian rights, AND

All of the W ½ of the W ½ of the NE ¼ of the SW ¼ of Sec. 16, Township. 50 South, Range 42 East, AND

A portion of Sec. 16, Township 50, Range 42 East, specifically .28 acres of land as specifically described in the Official Records of Broward County 148/321.

Address:

1720, 1812, 1824, SW 17 Street

**General
Location:**

Bill Keith Preserve Park – On the North side of the South Fork of the New River and South of the intersection of SW 17 Street and SW 18 Avenue

District:

3

Disclosures were made, and any members of the public wishing to speak on this item were sworn in.

Frank Snedaker, Chief Architect for the City, explained the Application would rezone a parcel of land currently used as a park. It was acquired by the City

through the County bond initiative, and the City has agreed with the County to rezone the parcel from Industrial to Parks, Recreation, and Open Space. The rezoning is in compliance with the City's Land Use Comprehensive Plan.

The property is located on the north side of the New River, east of I-95 and south of Port Elementary. It is heavily wooded. The City plans to bring back a site plan at a later date that would develop the property "in a minimal fashion," with nature paths and a small pavilion near the water.

Michael Ciesielski, Planner, stated the rezoning would preserve and improve a wetland area while providing public access to the New River and outdoor recreational opportunities for the public. He noted that the Applicant met with the Shady Banks Civic Association in February 2008, and attached to the Staff memo is this Association's letter of support.

He continued that the Applicant has provided responses to the rezoning criteria, which are provided in the Staff memo as well. Rezoning to "P" would ensure the land remains a passive park and open space, and protect a portion of the river from adjacent commercial uses while providing a visual buffer between the residential and commercial uses to the north and south of the preserve, respectively.

As there were no further questions from the Board at this time, Chair Welch opened the public hearing.

There being no members of the public wishing to speak on this Item, Chair Welch closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Stresau, seconded by Vice Chair McTigue, to approve the Application. In a roll call vote, the **motion** carried unanimously.

6. City of Fort Lauderdale

Michael Ciesielski

13Z09

Request: * * * **Rezone from Residential Low-Rise Multifamily (RML-25) to Parks, Recreation, and Open Space (P)**

Legal Description Lots 1-10, Block 4, and Lots 1-7, Block 3, "River Highlands", P.B. 10, P.3., of the Public Records of Broward County., TOGETHER WITH

Portion of the Vacated Right-of-Way for "Melrose Court" (Southwest 2nd Court), lying between Blocks 3 and 4, vacated by Ordinance C-05-01, recorded in Book 39206, P. 164, of the Official Records of Broward County, TOGETHER WITH

Portion of the Right of Way lying East of the Centerline of "Kenilworth Place" (SW 14 Way), vacated by Ordinance C-04-45, recorded in Book 39084, P. 1712, of the Official Records of Broward County

Address: 1401 SW 2 Court

General Location: Sailboat Bend Preserve- West side of SW 14 Avenue, South of the Argyle Canal, and East of SW 14 Way

District: 3

Disclosures were made, and any members of the public wishing to speak on this item were sworn in.

Mr. Snedaker, representing the City, advised the Application requests that the Board rezone the property from RML-25 to Parks, Recreation, and Open Space. He provided an aerial photo of the property, noting that it is in three segments: a triangular portion acquired from the County, a vacated right-of-way, and land owned by the City. These parcels will combine to form one park, with the north area developed as a passive park and the south left as a conservation area. The City will return to the Board at a later time for site plan approval, as the land is located on the waterway.

Mr. Ciesielski stated the Applicant has met with the Sailboat Bend Neighborhood Association and has obtained a letter of support, which is attached to the Staff memo, along with the Applicant's responses to rezoning criteria.

As there were no further questions from the Board at this time, Chair Welch opened the public hearing.

Don Wilkin, private citizen, stated he resides to the west of the property. He wished to ensure that Lot 1-10, Block 4, which includes the south parcel, is maintained as a conservation area and not developed for any park use aside from nature trails, as this was the intended use when it was purchased. Mr. Snedaker confirmed this would be the case.

There being no other members of the public wishing to speak on this Item, Chair Welch closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Witschen, seconded by Ms. Golub, to approve the Application with condition. In a roll call vote, the **motion** carried unanimously.

7. **City of Fort Lauderdale**

Anthony Fajardo

5T09

Request: **Unified Land Development Regulations Text Amendment:**

Update Table of Dimensional Requirements.

47-8.30.Table 1

47-8.30. Table of dimensional requirements. (Note A)

General
Location:

Citywide

District:

Community Facilities – House of Worship, Community Facilities – School, and Community Facilities – House of Worship/School

Attorney Miller explained this Item is a text amendment. She provided a copy of the request under the Dispute Resolution Act.

She observed this is a statutory remedy available for those denied a development permit who wish to assert they have been unduly burdened by this denial. Attorney Miller referred the Board to the penultimate page of the document, which cites the Religious Land Use and Institutionalized Persons Act of 2000, enacted “after the ULDR.”

She provided a copy of the ULDR as it currently stands as a basis for comparison.

All churches and schools were then put into the CF, or Community Facilities, zoning district. It was noted that many of these facilities were located near residential neighborhoods, although CF provides for many more uses. As a result, three sub-districts of CF were created to limit the number of uses and dimensional requirements. Attorney Miller noted it was not known how CF-S was marked with an asterisk that permits for height modifications; it was not added to CF-HS or CF-H, and appears to treat churches differently from schools. Upon further study, no difference was determined to exist between the three districts, and tonight’s Application would act on the acknowledgement that they should be treated alike. An asterisk would be added to the remaining two districts, which would “permit someone to come and ask.” It was also noted an asterisk was not

added to the 10,000 sq. ft. maximum of gross floor area, which was included under CF-HS only.

Attorney Miller concluded tonight's Application requests that the "inequality within those three sub-districts" be corrected.

Anthony Fajardo, Planner, stated asterisks would be added for the dimension requirements for height and maximum gross sq. ft. for the CF-H and CF-HS sub-districts. This portion also includes an asterisk for the dimension requirements for maximum sq. ft. of floor area for CF-S.

The asterisk refers to a notation which requires that any increase to these maximum heights and square footages be a request under Site Plan Level III permit. The request also includes an amendment to Section 47.24, Table 1, Development Permits and Procedures, and concerns Item 25, to include CFH and CFHS in this requirement for Site Plan Level III. Additional language is proposed to address the height of accessory structures and the applicability of neighborhood compatibility in specific relation to Section 47.25.3.8.3.e.i, which deals with "preserving the character and integrity of the adjacent neighborhoods by requiring development to include improvements or modifications, either on-site or in public rights-of-way to mitigate adverse impacts."

Ms. Golub noted the only element in 47.25.2 potentially relevant to the height of an accessory structure would be interference with City communications. Mr. Fajardo explained there is a DRC requirement to review and address this issue specifically.

As there were no further questions from the Board at this time, Chair Welch opened the public hearing.

There being no members of the public wishing to speak on this Item, Chair Welch closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Witschen, seconded by Ms. Golub, to approve the Application. In a roll call vote, the **motion** carried unanimously.

8. Communications to the City Commission

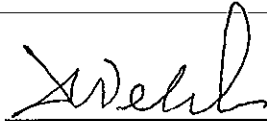
None at this time.

9. For the Good of the City

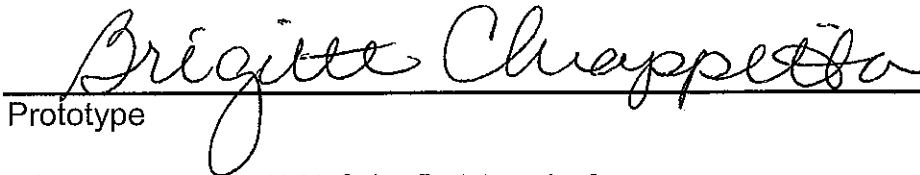
Ms. Maus asked Staff if the City is looking into zoning regulations related to "pill mill clinics," or clinics that "dispense on sight." She noted that two cities in Broward County have enacted Ordinances to drastically reduce traffic at these

facilities. Attorney Miller stated the City has not yet looked into enforcement actions.

There being no further business to come before the Board at this time, the meeting was adjourned at 8:48 p.m.



Chair



Prototype

[Minutes prepared by K. McGuire, Prototype, Inc.]